

FIRST REGULAR SESSION

# SENATE BILL NO. 434

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Read 1st time February 23, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2032S.011

## AN ACT

To repeal sections 105.487, 105.492, 105.963, 130.021, 130.046, 130.057, and 130.071, RSMo, and to enact in lieu thereof seven new sections relating to ethics, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 105.487, 105.492, 105.963, 130.021, 130.046, 130.057, and 130.071, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 105.487, 105.492, 105.963, 130.021, 130.046, 130.057, and 130.071, to read as follows:

105.487. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

(1) Each candidate for elective office, except those candidates for county committee of a political party pursuant to section 115.609, RSMo, or section 115.611, RSMo, who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen days of the individual's nomination by caucus. An individual required to file a financial interest statement because of the individual's candidacy for office prior to a primary election in accordance with this section is also required to amend such statement no later than the close of business on Monday prior to the general election to reflect any changes in financial interest during the interim. The appropriate

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 election authority shall provide to the candidate at the time of filing for [election]  
18 **office** written notice of the candidate's obligation to file pursuant to sections  
19 105.483 to 105.492 and the candidate shall sign a statement acknowledging  
20 receipt of such notice;

21 (2) Each person appointed to office, except any person elected for county  
22 committee of a political party pursuant to section 115.617, RSMo, and each  
23 official or employee described in section 105.483 who is not otherwise covered in  
24 this subsection shall file the statement within thirty days of such appointment  
25 or employment. **This statement shall be for the twelve months prior to**  
26 **the appointment date;**

27 (3) Every other person required by sections 105.483 to 105.492 to file a  
28 financial interest statement shall file the statement annually not later than the  
29 first day of May and the statement shall cover the calendar year ending the  
30 immediately preceding December thirty-first; provided that the governor,  
31 lieutenant governor, any member of the general assembly or any member of the  
32 governing body of a political subdivision may supplement such person's financial  
33 interest statement to report additional interests acquired after December  
34 thirty-first of the covered year until the date of filing of the financial interest  
35 statement. **If an individual becomes a candidate for office by**  
36 **nomination of a political caucus, the individual shall file a financial**  
37 **interest statement within ten days of the nomination. Such statement**  
38 **shall cover the time period described in subdivision (1) of this section;**

39 (4) The deadline for filing any statement required by sections 105.483 to  
40 105.492 shall be 5:00 p.m. of the last day designated for filing the  
41 statement. When the last day of filing falls on a Saturday or Sunday or on an  
42 official state holiday, the deadline for filing is extended to 5:00 p.m. on the next  
43 day which is not a Saturday or Sunday or official holiday. Any statement  
44 required within a specified time shall be deemed to be timely filed if it is  
45 postmarked not later than midnight of the day [previous to the last day]  
46 designated for filing the statement.

105.492. 1. Any person required in sections 105.483 to 105.492 to file a  
2 financial interest statement who fails to file such statement by the times required  
3 in section 105.487 shall, if such person receives any compensation or other  
4 remuneration from public funds for the person's services, not be paid such  
5 compensation or receive such remuneration until the person has filed a financial  
6 interest statement as required by sections 105.483 to 105.492. Any person

7 required in sections 105.483 to 105.492 to file a financial statement who fails to  
8 file such statement by the time required in section 105.487 and continues to fail  
9 to file the required financial interest statement for thirty or more days after  
10 receiving notice from the commission shall be subject to suspension from office in  
11 the manner otherwise provided by law or the constitution. The attorney general  
12 or prosecuting or circuit attorney, at the request of the commission, may take  
13 appropriate legal action to enforce the provisions of this section.

14         2. If a candidate for office does not file a financial interest statement by  
15 the close of business on the twenty-first day after the last day for filing for  
16 election for which the person is a candidate **or has not paid all fees assessed**  
17 **by the commission**, the commission shall notify the official who accepted such  
18 candidate's declaration of candidacy that the candidate is disqualified. Such  
19 election official shall remove the candidate's name from the ballot.

20         3. Failure of any elected official or judge to file a financial interest  
21 statement thirty days after notice from the appropriate filing officer shall be  
22 grounds for removal from office as may be otherwise provided by law or the  
23 constitution.

24         4. Any person who knowingly misrepresents or omits any facts required  
25 to be contained in any financial interest statement filed as required by sections  
26 105.483 to 105.496 is guilty of a class B misdemeanor. Venue for any criminal  
27 proceeding brought pursuant to this section shall be the county in which the  
28 defendant resided at the time the defendant filed the financial interest statement.

29         5. Any lobbyist who fails to timely file a lobbying disclosure report as  
30 required by section 105.473 shall be assessed a late filing fee of ten dollars for  
31 every day such report is late.

105.963. 1. The executive director shall assess every committee, as  
2 defined in section 130.011, RSMo, failing to file with a filing officer other than a  
3 local election authority as provided by section 130.026, RSMo, a campaign  
4 disclosure report **or a statement of limited activity** as required by chapter  
5 130, RSMo, other than the report required pursuant to subdivision (1) of  
6 subsection 1 of section 130.046, RSMo, a late filing fee of [ten] **fifty** dollars for  
7 each day after such report is due to the commission, **provided that the total**  
8 **amount of such fees assessed pursuant to this subsection per report**  
9 **shall not exceed three thousand dollars.** The executive director shall [mail]  
10 **send** a notice[, by registered mail,] to any candidate and the treasurer of any  
11 committee who fails to file such report **within seven business days of such**

12 **failure to file** informing such person of such failure and the fees provided by  
13 this section. [If the candidate or treasurer of any committee persists in such  
14 failure for a period in excess of thirty days beyond receipt of such notice, the  
15 amount of the late filing fee shall increase to one hundred dollars for each day  
16 that the report is not filed, provided that the total amount of such fees assessed  
17 pursuant to this subsection per report shall not exceed three thousand dollars.]

18         2. [(1)] Any [candidate for state or local office who] **committee which**  
19 fails to file a campaign disclosure report required pursuant to subdivision (1) of  
20 subsection 1 of section 130.046, RSMo, other than a report required to be filed  
21 with a local election authority as provided by section 130.026, RSMo, shall be  
22 assessed by the executive director a late filing fee of one hundred dollars for each  
23 day that the report is not filed, [until the first day after the date of the  
24 election. After such election date, the amount of such late filing fee shall accrue  
25 at the rate of ten dollars per day that such report remains unfiled, except as  
26 provided in subdivision (2) of this subsection.

27         (2)] **provided that the total amount of such fees assessed**  
28 **pursuant to this subsection per report shall not exceed six thousand**  
29 **dollars.** The executive director shall [mail] **send** a notice[, by certified mail or  
30 other means to give actual notice,] to any candidate **and the treasurer of any**  
31 **committee** who fails to file the report described in [subdivision (1) of] this  
32 subsection **within seven business days of such failure to file** informing such  
33 person of such failure and the fees provided by this section. [If the candidate  
34 persists in such failure for a period in excess of thirty days beyond receipt of such  
35 notice, the amount of the late filing fee shall increase to one hundred dollars for  
36 each day that the report is not filed, provided that the total amount of such fees  
37 assessed pursuant to this subsection per report shall not exceed six thousand  
38 dollars.]

39         3. The executive director shall assess every person required to file a  
40 financial interest statement pursuant to sections 105.483 to 105.492 failing to file  
41 such a financial interest statement with the commission a late filing fee of ten  
42 dollars for each day after such statement is due to the commission. The executive  
43 director shall [mail] **send** a notice[, by certified mail,] to any person who fails to  
44 file such statement informing the individual required to file of such failure and  
45 the fees provided by this section. If the person persists in such failure for a  
46 period in excess of thirty days beyond receipt of such notice, the amount of the  
47 late filing fee shall increase to one hundred dollars for each day thereafter that

48 the statement is late, provided that the total amount of such fees assessed  
49 pursuant to this subsection per statement shall not exceed six thousand dollars.

50 4. Any person assessed a late filing fee may seek review of such  
51 assessment or the amount of late filing fees assessed, at the person's option, by  
52 filing a petition within fourteen days after receiving [actual] notice of assessment  
53 with the administrative hearing commission, or without exhausting the person's  
54 administrative remedies may seek review of such issues with the circuit court of  
55 Cole County.

56 5. The executive director of the Missouri ethics commission shall collect  
57 such late filing fees as are provided for in this section. Unpaid late filing fees  
58 shall be collected by action filed by the commission, **including, but not limited**  
59 **to, garnishment and execution against a committee's official depository**  
60 **account as set forth in subsection 4 of section 130.021, RSMo, after a**  
61 **thirty-day delinquency.** The commission shall contract with the appropriate  
62 entity to collect such late filing fees after a thirty-day delinquency. If not  
63 collected within one hundred twenty days, the Missouri ethics commission shall  
64 file a petition in Cole County circuit court to seek a judgment on said fees. All  
65 late filing fees collected pursuant to this section shall be transmitted to the state  
66 treasurer and deposited to the general revenue fund.

67 6. The late filing fees provided by this section shall be in addition to any  
68 penalty provided by law for violations of sections 105.483 to 105.492 or chapter  
69 130, RSMo.

70 7. If any **lobbyist who fails to file a lobbyist report in a timely**  
71 **manner is assessed a late fee, if any individual who is required to file**  
72 **a personal financial disclosure statement fails to file such disclosure**  
73 **statement in a timely manner and is assessed a late fee, or if any**  
74 candidate [fails] **or treasurer of any committee fail** to file a campaign  
75 disclosure report **or a statement of limited activity** in a timely manner and  
76 that candidate **or treasurer** is assessed a late filing fee, the **lobbyist,**  
77 **individual,** candidate, [candidate committee treasurer or assistant] **or** treasurer  
78 may file an appeal of the assessment of the late filing fee with the  
79 commission. The commission may forgive the assessment of the late filing fee  
80 upon a showing of good cause. Such appeal shall be filed within ten days of the  
81 receipt of notice of the assessment of the late filing fee.

130.021. 1. Every committee shall have a treasurer who, except as  
2 provided in subsection 10 of this section, shall be a resident of this state and

3 reside in the district or county in which the committee sits. A committee may  
4 also have a deputy treasurer who, except as provided in subsection 10 of this  
5 section, shall be a resident of this state and reside in the district or county in  
6 which the committee sits, to serve in the capacity of committee treasurer in the  
7 event the committee treasurer is unable for any reason to perform the treasurer's  
8 duties.

9       2. Every candidate for offices listed in subsection 1 of section 130.016 who  
10 has not filed a statement of exemption pursuant to that subsection and every  
11 candidate for offices listed in subsection 6 of section 130.016 who is not excluded  
12 from filing a statement of organization and disclosure reports pursuant to  
13 subsection 6 **of section 130.016** shall form a candidate committee and appoint  
14 a treasurer. Thereafter, all contributions on hand and all further contributions  
15 received by such candidate and any of the candidate's own funds to be used in  
16 support of the person's candidacy shall be deposited in a candidate committee  
17 depository account established pursuant to the provisions of subsection 4 of this  
18 section, and all expenditures shall be made through the candidate, treasurer or  
19 deputy treasurer of the person's candidate committee. Nothing in this chapter  
20 shall prevent a candidate from appointing himself or herself as a committee of  
21 one and serving as the person's own treasurer, maintaining the candidate's own  
22 records and filing all the reports and statements required to be filed by the  
23 treasurer of a candidate committee.

24       3. [A candidate who has more than one candidate committee supporting  
25 the person's candidacy shall designate one of those candidate committees as the  
26 committee responsible for consolidating the aggregate contributions to all such  
27 committees under the candidate's control and direction as required by section  
28 130.041] **No person may form a new candidate committee or serve as a**  
29 **treasurer or deputy treasurer of any committee as defined in section**  
30 **130.011 until the person or the treasurer of any candidate committee**  
31 **previously formed by the person has filed all required campaign**  
32 **disclosure reports or statements of limited activity for all prior**  
33 **elections and paid outstanding previously imposed fees assessed**  
34 **against that person by the ethics commission. No candidate shall form,**  
35 **control, or direct a committee of continuing existence.**

36       4. (1) Every committee shall have a single official fund depository within  
37 this state which shall be a federally or state-chartered bank, a federally or  
38 state-chartered savings and loan association, or a federally or state-chartered

39 credit union in which the committee shall open and thereafter maintain at least  
40 one official depository account in its own name. An "official depository account"  
41 shall be a checking account or some type of negotiable draft or negotiable order  
42 of withdrawal account, and the official fund depository shall, regarding an official  
43 depository account, be a type of financial institution which provides a record of  
44 deposits, canceled checks or other canceled instruments of withdrawal evidencing  
45 each transaction by maintaining copies within this state of such instruments and  
46 other transactions. All contributions which the committee receives in money,  
47 checks and other negotiable instruments shall be deposited in a committee's  
48 official depository account. Contributions shall not be accepted and expenditures  
49 shall not be made by a committee except by or through an official depository  
50 account and the committee treasurer, deputy treasurer or  
51 candidate. Contributions received by a committee shall not be commingled with  
52 any funds of an agent of the committee, a candidate or any other person, except  
53 that contributions from a candidate of the candidate's own funds to the person's  
54 candidate committee shall be deposited to an official depository account of the  
55 person's candidate committee. No expenditure shall be made by a committee  
56 when the office of committee treasurer is vacant except that when the office of a  
57 candidate committee treasurer is vacant, the candidate shall be the treasurer  
58 until the candidate appoints a new treasurer.

59 (2) A committee treasurer, deputy treasurer or candidate may withdraw  
60 funds from a committee's official depository account and deposit such funds in one  
61 or more savings accounts in the committee's name in any bank, savings and loan  
62 association or credit union within this state, and may also withdraw funds from  
63 an official depository account for investment in the committee's name in any  
64 certificate of deposit, bond or security. Proceeds from interest or dividends from  
65 a savings account or other investment or proceeds from withdrawals from a  
66 savings account or from the sale of an investment shall not be expended or  
67 reinvested, except in the case of renewals of certificates of deposit, without first  
68 redepositing such proceeds in an official depository account. Investments, other  
69 than savings accounts, held outside the committee's official depository account at  
70 any time during a reporting period shall be disclosed by description, amount, any  
71 identifying numbers and the name and address of any institution or person in  
72 which or through which it is held in an attachment to disclosure reports the  
73 committee is required to file. Proceeds from an investment such as interest or  
74 dividends or proceeds from its sale, shall be reported by date and amount. In the

75 case of the sale of an investment, the names and addresses of the persons  
76 involved in the transaction shall also be stated. Funds held in savings accounts  
77 and investments, including interest earned, shall be included in the report of  
78 money on hand as required by section 130.041.

79           5. The treasurer or deputy treasurer acting on behalf of any person or  
80 organization or group of persons which is a committee by virtue of the definitions  
81 of committee in section 130.011 and any candidate who is not excluded from  
82 forming a committee in accordance with the provisions of section 130.016 shall  
83 file a statement of organization with the appropriate officer within twenty days  
84 after the person or organization becomes a committee but no later than [the date  
85 for filing the first report required pursuant to the provisions of section 130.046]  
86 **thirty days prior to the election for which the committee receives**  
87 **contributions or makes expenditures, except that a continuing**  
88 **committee shall file a statement or organization with the appropriate**  
89 **officer no later than sixty days prior to the election for which the**  
90 **committee receives contributions or makes expenditures.** The statement  
91 of organization shall contain the following information:

92           (1) The name, mailing address and telephone number, if any, of the  
93 committee filing the statement of organization. If the committee is deemed to be  
94 affiliated with a connected organization as provided in subdivision (11) of section  
95 130.011, the name of the connected organization, or a legally registered fictitious  
96 name which reasonably identifies the connected organization, shall appear in the  
97 name of the committee. If the committee is a candidate committee, the name of  
98 the candidate shall be a part of the committee's name;

99           (2) The name, mailing address and telephone number of the candidate;

100           (3) The name, mailing address and telephone number of the committee  
101 treasurer, and the name, mailing address and telephone number of its deputy  
102 treasurer if the committee has named a deputy treasurer;

103           (4) The names, mailing addresses and titles of its officers, if any;

104           (5) The name and mailing address of any connected organizations with  
105 which the committee is affiliated;

106           (6) The name and mailing address of its depository, and the name and  
107 account number of each account the committee has in the depository;

108           (7) Identification of the major nature of the committee such as a candidate  
109 committee, campaign committee, continuing committee, political party committee,  
110 incumbent committee, or any other committee according to the definition of



111 committee in section 130.011;

112 (8) [In the case of the candidate committee designated in subsection 3 of  
113 this section, the full name and address of each other candidate committee which  
114 is under the control and direction of the same candidate, together with the name,  
115 address and telephone number of the treasurer of each such other committee;

116 (9)] The name and office sought of each candidate supported or opposed  
117 by the committee;

118 [(10)] (9) The ballot measure concerned, if any, and whether the  
119 committee is in favor of or opposed to such measure.

120 6. A committee may omit the information required in subdivisions [(9)]  
121 (8) and [(10)] (9) of subsection 5 of this section if, on the date on which it is  
122 required to file a statement of organization, the committee has not yet determined  
123 the particular candidates or particular ballot measures it will support or oppose.

124 7. A committee which has filed a statement of organization and has not  
125 terminated shall not be required to file another statement of organization, except  
126 that when there is a change in any of the information previously reported as  
127 required by subdivisions (1) to [(8)] (7) of subsection 5 of this section an amended  
128 statement of organization shall be filed within twenty days after the change  
129 occurs, but no later than the date of the filing of the next report required to be  
130 filed by that committee by section 130.046.

131 8. **A campaign committee shall terminate either thirty days after**  
132 **the general election or upon the satisfaction of all committee debt after**  
133 **the general election, whichever is later, except that no committee**  
134 **retiring debt shall engage in any other activities in support of a**  
135 **measure for which the committee was formed. A candidate committee**  
136 **shall continue in existence for use by an elected candidate or shall**  
137 **terminate the later of either thirty days after the general election for**  
138 **a candidate who was not elected or upon the satisfaction of all**  
139 **committee debt after the election, except that no committee retiring**  
140 **debt shall engage in any other activities in support of the candidate for**  
141 **which the committee was formed.** Upon termination of a committee, a  
142 termination statement indicating dissolution shall be filed not later than ten days  
143 after the date of dissolution with the appropriate officer or officers with whom the  
144 committee's statement of organization was filed. The termination statement shall  
145 include: the distribution made of any remaining surplus funds and the  
146 disposition of any deficits; and the name, mailing address and telephone number

147 of the individual responsible for preserving the committee's records and accounts  
148 as required in section 130.036.

149         9. Any statement required by this section shall be signed and attested by  
150 the committee treasurer or deputy treasurer, and by the candidate in the case of  
151 a candidate committee.

152         10. A committee domiciled outside this state shall be required to file a  
153 statement of organization and appoint a treasurer residing in this state and open  
154 an account in a depository within this state; provided that either of the following  
155 conditions prevails:

156             (1) The aggregate of all contributions received from persons domiciled in  
157 this state exceeds twenty percent in total dollar amount of all funds received by  
158 the committee in the preceding twelve months; or

159             (2) The aggregate of all contributions and expenditures made to support  
160 or oppose candidates and ballot measures in this state exceeds one thousand five  
161 hundred dollars in the current calendar year.

162         11. If a committee domiciled in this state receives a contribution of one  
163 thousand five hundred dollars or more from any committee domiciled outside of  
164 this state, the committee domiciled in this state shall file a disclosure report with  
165 the commission. The report shall disclose the full name, mailing address,  
166 telephone numbers and domicile of the contributing committee and the date and  
167 amount of the contribution. The report shall be filed within forty-eight hours of  
168 the receipt of such contribution if the contribution is received after the last  
169 reporting date before the election.

170         12. Each legislative and senatorial district committee shall retain only one  
171 address in the district it sits for the purpose of receiving contributions.

130.046. 1. The disclosure reports required by section 130.041 for all  
2 committees shall be filed at the following times and for the following periods:

3             (1) Not later than the eighth day before an election for the period closing  
4 on the twelfth day before the election if the committee has made any contribution  
5 or expenditure either in support or opposition to any candidate or ballot measure;

6             (2) Not later than the thirtieth day after an election for a period closing  
7 on the twenty-fifth day after the election, if the committee has made any  
8 contribution or expenditure either in support of or opposition to any candidate or  
9 ballot measure; except that, a successful candidate who takes office prior to the  
10 twenty-fifth day after the election shall have complied with the report  
11 requirement of this subdivision if a disclosure report is filed by such candidate

12 and any candidate committee under the candidate's control before such candidate  
13 takes office, and such report shall be for the period closing on the day before  
14 taking office; and

15 (3) Not later than the fifteenth day following the close of each calendar  
16 quarter. Notwithstanding the provisions of this subsection, if any committee  
17 accepts contributions or makes expenditures in support of or in opposition to a  
18 ballot measure or a candidate, and the report required by this subsection for the  
19 most recent calendar quarter is filed prior to the fortieth day before the election  
20 on the measure or candidate, the committee shall file an additional disclosure  
21 report not later than the fortieth day before the election for the period closing on  
22 the forty-fifth day before the election.

23 2. In the case of a ballot measure to be qualified to be on the ballot by  
24 initiative petition or referendum petition, or a recall petition seeking to remove  
25 an incumbent from office, disclosure reports relating to the time for filing such  
26 petitions shall be made as follows:

27 (1) In addition to the disclosure reports required to be filed pursuant to  
28 subsection 1 of this section the treasurer of a committee, other than a continuing  
29 committee, supporting or opposing a petition effort to qualify a measure to appear  
30 on the ballot or to remove an incumbent from office shall file an initial disclosure  
31 report fifteen days after the committee begins the process of raising or spending  
32 money. After such initial report, the committee shall file quarterly disclosure  
33 reports as required by subdivision (3) of subsection 1 of this section until such  
34 time as the reports required by subdivisions (1) and (2) of subsection 1 of this  
35 section are to be filed. In addition the committee shall file a second disclosure  
36 report no later than the fifteenth day after the deadline date for submitting such  
37 petition. The period covered in the initial report shall begin on the day the  
38 committee first accepted contributions or made expenditures to support or oppose  
39 the petition effort for qualification of the measure and shall close on the fifth day  
40 prior to the date of the report;

41 (2) If the measure has qualified to be on the ballot in an election and if  
42 a committee subject to the requirements of subdivision (1) of this subsection is  
43 also required to file a preelection disclosure report for such election any time  
44 within thirty days after the date on which disclosure reports are required to be  
45 filed in accordance with subdivision (1) of this subsection, the treasurer of such  
46 committee shall not be required to file the report required by subdivision (1) of  
47 this subsection, but shall include in the committee's preelection report all

48 information which would otherwise have been required by subdivision (1) of this  
49 subsection.

50         3. The candidate, if applicable, treasurer or deputy treasurer of a  
51 committee shall file disclosure reports pursuant to this section, except for any  
52 calendar quarter in which the contributions received by the committee or the  
53 expenditures or contributions made by the committee do not exceed five hundred  
54 dollars. The reporting dates and periods covered for such quarterly reports shall  
55 not be later than the fifteenth day of January, April, July and October for periods  
56 closing on the thirty-first day of December, the thirty-first day of March, the  
57 thirtieth day of June and the thirtieth day of September. No candidate, treasurer  
58 or deputy treasurer shall be required to file the quarterly disclosure report  
59 required not later than the fifteenth day of any January immediately following  
60 a November election, provided that such candidate, treasurer or deputy treasurer  
61 shall file the information required on such quarterly report on the quarterly  
62 report to be filed not later than the fifteenth day of April immediately following  
63 such November election. Each report by such committee shall be cumulative from  
64 the date of the last report.

65 In the case of the continuing committee's first report, the report shall be  
66 cumulative from the date of the continuing committee's organization. Every  
67 candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign  
68 disclosure reports covering the quarter immediately preceding the date of the  
69 election and those required by subdivisions (1) and (2) of subsection 1 of this  
70 section. A continuing committee shall submit additional reports if it makes  
71 aggregate expenditures, other than contributions to a committee, of five hundred  
72 dollars or more, within the reporting period at the following times for the  
73 following periods:

74         (1) Not later than the eighth day before an election for the period closing  
75 on the twelfth day before the election;

76         (2) Not later than twenty-four hours after aggregate expenditures of two  
77 hundred fifty dollars or more are made after the twelfth day before the election;  
78 and

79         (3) Not later than the thirtieth day after an election for a period closing  
80 on the twenty-fifth day after the election.

81         4. The reports required to be filed no later than the thirtieth day after an  
82 election and any subsequently required report shall be cumulative so as to reflect  
83 the total receipts and disbursements of the reporting committee for the entire

84 election campaign in question. The period covered by each disclosure report shall  
85 begin on the day after the closing date of the most recent disclosure report filed  
86 and end on the closing date for the period covered. If the committee has not  
87 previously filed a disclosure report, the period covered begins on the date the  
88 committee was formed; except that in the case of a candidate committee, the  
89 period covered begins on the date the candidate became a candidate according to  
90 the definition of the term candidate in section 130.011.

91 5. Notwithstanding any other provisions of this chapter to the contrary:

92 (1) Certain disclosure reports pertaining to any candidate who receives  
93 nomination in a primary election and thereby seeks election in the immediately  
94 succeeding general election shall not be required in the following cases:

95 (a) If there are less than fifty days between a primary election and the  
96 immediately succeeding general election, the disclosure report required to be filed  
97 quarterly **need not be filed**; provided that, any other report required to be filed  
98 prior to the primary election and all other reports required to be filed not later  
99 than the eighth day before the general election are filed no later than the final  
100 dates for filing such reports;

101 (b) If there are less than eighty-five days between a primary election and  
102 the immediately succeeding general election, the disclosure report required to be  
103 filed not later than the thirtieth day after the primary election need not be filed;  
104 provided that any report required to be filed prior to the primary election and any  
105 other report required to be filed prior to the general election are filed no later  
106 than the final dates for filing such reports; and

107 (2) No disclosure report needs to be filed for any reporting period if during  
108 that reporting period the committee has neither received contributions  
109 aggregating more than five hundred dollars nor made expenditure aggregating  
110 more than five hundred dollars and has not received contributions aggregating  
111 more than three hundred dollars from any single contributor and if the  
112 committee's treasurer files a statement with the appropriate officer that the  
113 committee has not exceeded the identified thresholds in the reporting  
114 period. Any contributions received or expenditures made which are not reported  
115 because this statement is filed in lieu of a disclosure report shall be included in  
116 the next disclosure report filed by the committee. This statement shall not be  
117 filed in lieu of the report for two or more consecutive disclosure periods if either  
118 the contributions received or expenditures made in the aggregate during those  
119 reporting periods exceed five hundred dollars. This statement shall not be filed,

120 in lieu of the report, later than the thirtieth day after an election if that report  
121 would show a deficit of more than one thousand dollars.

122         6. (1) If the disclosure report required to be filed by a committee not later  
123 than the thirtieth day after an election shows a deficit of unpaid loans and other  
124 outstanding obligations in excess of five thousand dollars, semiannual  
125 supplemental disclosure reports shall be filed with the appropriate officer for each  
126 succeeding semiannual period until the deficit is reported in a disclosure report  
127 as being reduced to five thousand dollars or less; except that, a supplemental  
128 semiannual report shall not be required for any semiannual period which includes  
129 the closing date for the reporting period covered in any regular disclosure report  
130 which the committee is required to file in connection with an election. The  
131 reporting dates and periods covered for semiannual reports shall be not later than  
132 the fifteenth day of January and July for periods closing on the thirty-first day  
133 of December and the thirtieth day of June.

134         (2) Committees required to file reports pursuant to subsection 2 or 3 of  
135 this section which are not otherwise required to file disclosure reports for an  
136 election shall file semiannual reports as required by this subsection if their last  
137 required disclosure report shows a total of unpaid loans and other outstanding  
138 obligations in excess of five thousand dollars.

139         7. In the case of a committee which disbands and is required to file a  
140 termination statement pursuant to the provisions of section 130.021 with the  
141 appropriate officer not later than the tenth day after the committee was  
142 dissolved, the candidate, committee treasurer or deputy treasurer shall attach to  
143 the termination statement a complete disclosure report for the period closing on  
144 the date of dissolution. A committee shall not utilize the provisions of subsection  
145 8 of section 130.021 or the provisions of this subsection to circumvent or  
146 otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

147         8. Disclosure reports shall be filed with the appropriate officer not later  
148 than 5:00 p.m. prevailing local time of the day designated for the filing of the  
149 report and a report postmarked not later than midnight of the day [previous to  
150 the day] designated for filing the report shall be deemed to have been filed in a  
151 timely manner. The appropriate officer may establish a policy whereby disclosure  
152 reports may be filed by facsimile transmission.

153         9. Each candidate for the office of state representative, state senator, and  
154 for statewide elected office shall file all disclosure reports described in section  
155 130.041 electronically with the Missouri ethics commission. The Missouri ethics

156 commission shall promulgate rules establishing the standard for electronic filings  
157 with the commission and shall propose such rules for the importation of files to  
158 the reporting program.

159 10. Any rule or portion of a rule, as that term is defined in section  
160 536.010, RSMo, that is created under the authority delegated in this section shall  
161 become effective only if it complies with and is subject to all of the provisions of  
162 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and  
163 chapter 536, RSMo, are nonseverable and if any of the powers vested with the  
164 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective  
165 date, or to disapprove and annul a rule are subsequently held unconstitutional,  
166 then the grant of rulemaking authority and any rule proposed or adopted after  
167 August 28, 2006, shall be invalid and void.

130.057. 1. In order for candidates for election and public officials to more  
2 easily file reports required by law and to access information contained in such  
3 reports, and for the Missouri ethics commission to receive and store reports in an  
4 efficient and economical method, and for the general public and news media to  
5 access information contained in such reports, the commission shall establish and  
6 maintain an electronic reporting system pursuant to this section.

7 2. [The ethics commission may establish for elections in 1996 and shall  
8 establish for elections and all required reporting beginning in 1998 and maintain  
9 thereafter a state campaign finance and financial interest disclosure electronic  
10 reporting system pursuant to this section for all candidates required to file.] The  
11 system may be used for the collection, filing and dissemination of all reports,  
12 including monthly lobbying reports filed by law, and all reports filed with the  
13 commission pursuant to this chapter and chapter 105, RSMo. The system may  
14 be [established and] used for all reports required to be filed for [the primary and  
15 general elections in 1996 and] all elections [thereafter, except that the system  
16 may require maintenance of a paper backup system for the primary and general  
17 elections in 1996]. The reports shall be maintained and secured in the electronic  
18 format by the commission.

19 3. [When the commission determines that the electronic reporting system  
20 has been properly implemented, the commission shall certify to all candidates and  
21 committees required to file pursuant to this chapter that such electronic reporting  
22 system has been established and implemented. Beginning with the primary and  
23 general elections in 2000, or the next primary or general election in which the  
24 commission has made certification pursuant to this subsection, whichever is

25 later,] Candidates and all other committees **which are not required to file**  
26 **reports electronically with the Missouri ethics commission** shall file  
27 reports by using either the electronic format prescribed by the commission or  
28 paper forms provided by the commission for that purpose. [Continuing]  
29 Committees **and candidates required to file electronically under**  
30 **subsection 9 of section 130.046**, shall file reports by electronic format  
31 prescribed by the commission, except [continuing] **for** committees which [make  
32 contributions equal to or less than fifteen] **receive or spend two** thousand  
33 **dollars or less** in the applicable calendar year **or reporting cycle**. [Any  
34 continuing committee which makes contributions in support of or opposition to  
35 any measure or candidate equal to or less than fifteen thousand dollars in the  
36 applicable calendar year shall file reports on paper forms provided by the  
37 commission for that purpose or by electronic format prescribed by the commission,  
38 whichever reporting method the continuing committee chooses.] The commission  
39 shall supply a computer program which shall be used for filing by modem or by  
40 a common magnetic media chosen by the commission. In the event that filings  
41 are performed electronically, the candidate shall file a signed original written  
42 copy within five working days; except that, if a means becomes available which  
43 will allow a verifiable electronic signature, the commission may also accept this  
44 in lieu of a written statement.

45 4. [Beginning January 1, 2000, or on the date the commission makes the  
46 certification pursuant to subsection 3 of this section, whichever is later, all  
47 reports filed with the commission by any candidate for a statewide office, or such  
48 candidate's committee, shall be filed in electronic format as prescribed by the  
49 commission; provided however, that if a candidate for statewide office, or such  
50 candidate's committee receives or spends five thousand dollars or less for any  
51 reporting period, the report for that reporting period shall not be required to be  
52 filed electronically.

53 5.] A copy of all reports filed in the state campaign finance electronic  
54 reporting system shall be placed on a public electronic access system so that the  
55 general public may have open access to the reports filed pursuant to this  
56 section. The access system shall be organized and maintained in such a manner  
57 to allow an individual to obtain information concerning all contributions made to  
58 or on behalf of, and all expenditures made on behalf of, any public official  
59 described in subsection 2 of this section in formats that will include both written  
60 and electronically readable formats.



61           [6.] 5. All records that are in electronic format, not otherwise closed by  
62 law, shall be available in electronic format to the public. The commission shall  
63 maintain and provide for public inspection, a listing of all reports with a complete  
64 description for each field contained on the report, that has been used to extract  
65 information from their database files. The commission shall develop a report or  
66 reports which contain every field in each database.

67           [7.] 6. Annually, the commission shall provide, without cost, a  
68 system-wide dump of information contained in the commission's electronic  
69 database files to the general assembly. The information is to be copied onto a  
70 medium specified by the general assembly. Such information shall not contain  
71 records otherwise closed by law. It is the intent of the general assembly to  
72 provide open access to the commission's records. The commission shall make  
73 every reasonable effort to comply with requests for information and shall take a  
74 liberal interpretation when considering such requests.

130.071. 1. If a successful candidate, or the treasurer of his candidate  
2 committee fails to file the [disclosure] reports which are required by this chapter,  
3 the candidate shall not take office until such reports are filed **and all fees**  
4 **assessed by the ethics commission are paid.**

5           2. In addition to any other penalties provided by law, no person may file  
6 for any office in a subsequent election until he or the treasurer of his existing  
7 candidate committee has filed all required campaign disclosure reports for all  
8 prior elections **and paid all fees assessed by the ethics commission.**

9           3. **Any person who files as a candidate for election to a public**  
10 **office shall be disqualified from participation in the election for which**  
11 **the candidate has filed if such person is delinquent in the filing of**  
12 **reports required under this chapter or has not paid all fees assessed by**  
13 **the ethics commission. The commission shall notify the official who**  
14 **accepted such candidate's declaration of candidacy that the candidate**  
15 **is disqualified. Such election official shall remove the candidate's name**  
16 **from the ballot.**

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